

# **EXHIBIT 14**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 - - - - -x

5 SERGEY LEONTIEV,

6 Plaintiff,

Case No. 16-cv-3595

7 -against-

8 ALEXANDER VARSHAVSKY,

9 Defendant.

10 - - - - -x

11 December 19, 2016

12 9:37 a.m.

13  
14 Videotaped deposition of  
15 YULIA SEMENOVA, taken by Plaintiff,  
16 pursuant to Notice, held at the offices of  
17 Roschier Asianajotoimisto Oy, Keskuskatu  
18 7A, Helsinki, Finland, before  
19 Sharon Lengel, a Registered Professional  
20 Reporter, Certified Realtime Reporter, and  
21 Notary Public of the State of New York.

22  
23 \* \* \*  
24  
25

A P P E A R A N C E S :

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BY: NICHOLAS C. TOMPKINS, ESQ.  
COLBY A. SMITH, ESQ.  
ALISA MELEKHINA, ESQ.

ALSO PRESENT:

DAVID ROSS ELLIOTT, Videographer  
VICTORIA FRANTSEVA, Interpreter  
VICTOR POTAPOV, Check Interpreter  
VITALIY POPOV, ESQ.

\* \* \*

1 SEMENOVA

2 Avilon.

3 Q. Did your title or the company  
4 for which you worked change in 2015?

5 A. No. No.

6 Q. You said that you were the chief  
7 accountant for Avilon from 2007 to 2015,  
8 and you said that you're the chief  
9 accountant of Avilon today.

10 I'm just trying to figure out if  
11 there's something that changed between  
12 2015 and 2016.

13 A. No. I worked from 2007 to 2015,  
14 including as a chief accountant of Avilon.

15 Q. What was your title in 2016 and  
16 your employer?

17 A. In 2016, I am still working as a  
18 chief accountant of Avilon Automobile  
19 Group but based on the managing agreement  
20 with Akita.

21 Q. What are your responsibilities  
22 as the chief accountant of Avilon?

23 A. So accounting and also taxation  
24 statements and accounting and compiling  
25 the statements, control of the assets, and

1 SEMENOVA

2 the obligations of the company,  
3 liabilities.

4 Q. Who do you report to?

5 A. The management of the company.

6 Q. Who in particular?

7 A. Financial executive directors.

8 Q. And what are their names?

9 A. The general director, Pavlovich  
10 Andrei Nikolaevich.

11 Q. Do you report to anyone else,  
12 besides Mr. Pavlovich?

13 A. The financial director,  
14 Monakhova, Irina Nikolayevna.

15 Q. Do you report to anyone else?

16 A. That's it.

17 Q. Do you know Sergey Leontiev?

18 A. No.

19 Q. Have you ever met Mr. Leontiev?

20 A. No.

21 Q. Have you ever spoken to  
22 Mr. Leontiev?

23 A. No.

24 Q. Does Mr. Leontiev owe Avilon  
25 money?

1 SEMENOVA

2 before?

3 A. No.

4 Q. How did you first come to learn  
5 about Ambika?

6 A. When we issued the loan.

7 Q. From whom did you first hear  
8 about Ambika?

9 A. From the shareholder and the  
10 financial director.

11 Q. And what did Ms. Monakhova tell  
12 you about Ambika in 2008?

13 A. I was given the documentation to  
14 issue the loan.

15 Q. Did Ms. Monakhova tell you  
16 anything about Ambika in 2008 when she  
17 gave you the documentation to issue the  
18 loan?

19 A. No.

20 Q. Did Mr. Varshavsky tell you  
21 anything about Ambika in 2008?

22 A. No.

23 Q. Did you review Ambika's  
24 financial statements before you issued the  
25 loan?

1 SEMENOVA

2 A. No.

3 Q. I'd like to show you what was  
4 previously marked as Exhibit 7. It's the  
5 December 18, 2008, loan agreement and its  
6 amendments.

7 Do you recognize this as the  
8 December 18, 2008, loan agreement between  
9 New York Motors and Ambika?

10 A. Yes.

11 Q. If you look at the third page of  
12 the exhibit, is that your signature there?

13 A. Yes.

14 Q. What did you do to issue the  
15 loan?

16 A. Can you clarify the question,  
17 please?

18 Q. You said you were given the  
19 documentation to issue the loan.

20 What exactly was your role?

21 A. To transfer the money.

22 Q. And how much money was  
23 transferred pursuant to this loan  
24 agreement?

25 A. \$19.9 million.

1 SEMENOVA

2 Q. Other than transferring the  
3 money and signing the loan agreement, did  
4 you have any other role?

5 A. No.

6 Q. Did you know who owned Ambika at  
7 the time this loan was entered into?

8 A. No.

9 Q. Did you know what the money that  
10 New York Motors was lending would be used  
11 for?

12 A. No.

13 Q. Who negotiated the terms of the  
14 loan on behalf of New York Motors?

15 A. The shareholder.

16 Q. Do you know who Mr. Varshavsky  
17 negotiated with?

18 A. No.

19 Q. Did you make any record of the  
20 loan in New York Motors' books?

21 A. Yes.

22 Q. What kind of record did you make  
23 in New York Motors' books?

24 A. "Loan issued."

25 Q. Loan issued to whom?



1 SEMENOVA

2 A. Ambika Investments Limited.

3 Q. You didn't make any record of a  
4 loan issued to Mr. Leontiev at this time,  
5 did you?

6 A. No.

7 Q. Do you recall that there were a  
8 series of amendments entered into to this  
9 loan agreement?

10 A. No.

11 Q. If you could flip through this  
12 document that's in front of you,  
13 Exhibit 7, you'll see that there's a  
14 series of additional agreements to the  
15 loan.

16 MS. WOLLIN: I understand we  
17 might have a translation issue, Madam  
18 Interpreter. If you want to -- if you  
19 could point her to the --

20 THE INTERPRETER: I have.

21 MS. WOLLIN: I'd like to ask --  
22 let me re-ask one of my questions.

23 Q. Ms. Semenova, do you recall that  
24 there were a series of amendments entered  
25 into in connection with this loan

1 SEMENOVA

2 A. Yes, I see.

3 Q. Did you make any record of this  
4 extension of the loan in Avilon's books  
5 and records at the time?

6 A. No.

7 Q. Why not?

8 A. Because it was a valid  
9 agreement.

10 MS. WOLLIN: Madam Interpreter,  
11 can you clarify? Did she say it was a  
12 valid agreement or an active  
13 agreement?

14 A. So the additional agreement  
15 extends the validity of the -- of the  
16 agreement. That's why there were no  
17 additional entries into the books made.

18 Q. Did you keep track in the books  
19 of interest payments that were made  
20 pursuant to the loan agreement?

21 A. Yes.

22 Q. Was interest paid regularly  
23 under the loan agreement?

24 MR. SMITH: Objection to form.

25 A. Yes.

1 SEMENOVA

2 Q. Did Aviron consider having the  
3 money repaid instead of extending the  
4 validity of the loan at any point in time?

5 MR. SMITH: Objection to form.

6 A. I did not understand the  
7 question.

8 Q. Aviron regularly extended the  
9 time period of this loan rather than  
10 collecting when it was due; right?

11 A. That is correct. The agreement  
12 was extended. The term of the contract  
13 was extended.

14 Q. Why did Aviron decide to keep  
15 extending the term of the contract rather  
16 than have the money be repaid?

17 MR. SMITH: Objection to form.

18 A. I do not know.

19 Q. Who would know that?

20 A. Alexander Varshavsky.

21 Q. Do you recall that, when New  
22 York Motors entered into this loan in  
23 December 2008, it got a guarantee from  
24 Probusinessbank for the loan to Ambika?

25 A. Yes, I do.

1 SEMENOVA

2 Q. Why did New York Motors get a  
3 guarantee from Probusinessbank?

4 A. This is a regular practice for  
5 securing the loan, including pay loans  
6 that were issued.

7 Q. And New York Motors got a  
8 guarantee from Probusinessbank; right?

9 A. Yes.

10 Q. Did New York Motors get a  
11 personal guarantee from Mr. Leontiev for  
12 the loan to Ambika?

13 A. No.

14 Q. I'd like to show you what was  
15 previously marked as Exhibit 8. This is a  
16 loan agreement dated December 17, 2008,  
17 between European Realty and New York  
18 Motors Moscow.

19 Do you recognize this agreement?

20 A. Yes.

21 Q. What is European Realty  
22 Corporation?

23 A. This is one of the shareholders  
24 of Avilon.

25 Q. Do you know what percentage of

1 SEMENOVA

2 Avilon European Realty holds?

3 A. No, I do not.

4 Q. Do you know who negotiated this  
5 loan?

6 A. Shareholders.

7 Q. Who do you mean by the  
8 shareholders?

9 A. Alexander Varshavsky.

10 Q. Which entity was Mr. Varshavsky  
11 negotiating on behalf of?

12 A. On behalf of the European Realty  
13 Corp and also on behalf of New York Motors  
14 Moscow.

15 Q. Was anyone else negotiating on  
16 behalf of either company?

17 A. I do not know.

18 Q. This loan is for 19.9 million.  
19 Are these the funds that were  
20 then lent to Ambika by New York Motors?

21 A. Yes.

22 Q. Why did New York Motors borrow  
23 the 19.9 million from European Realty to  
24 lend it to Ambika?

25 MR. SMITH: Objection to form.

1 SEMENOVA

2 A. I do not know.

3 Q. Did you make any record of this  
4 loan in New York Motors' books?

5 A. Yes.

6 Q. How did you record this loan?

7 A. "Loan received."

8 Q. What is the current status of  
9 this loan?

10 A. It is on the balance of the  
11 company.

12 Q. Do you know how much money is  
13 still outstanding under this loan?

14 A. The whole sum.

15 Q. So New York Motors still owes  
16 European Realty 19.9 million under this  
17 loan agreement; is that right?

18 A. Yes.

19 Q. And New York Motors is now  
20 Avilon; right?

21 A. New York Motors Moscow is now  
22 Avilon, yes.

23 Q. And that's the party that is a  
24 party -- New York Motors Moscow is the  
25 party to this loan agreement; right?

1 SEMENOVA

2 specifically to this company?

3 Q. Specifically, whose  
4 responsibility is it to arrange for the  
5 wire transfer to Bookajet?

6 A. The shareholder, Alexander  
7 Varshavsky, approves the wire transfer.

8 Q. Who is the employee who actually  
9 arranges for the wire transfer?

10 A. The bank account accountant.

11 Q. Who is that?

12 A. Valentina Nazanskaya.

13 Q. What is Ms. Nazanskaya's title  
14 at Aviron?

15 A. Deputy chief accountant.

16 Q. Does she work for you?

17 A. Yes.

18 Q. What are her responsibilities?

19 A. Making payments to the clients,  
20 making wire transfers.

21 Q. Does she have any other  
22 responsibilities?

23 A. No.

24 Q. When does Aviron's fiscal year  
25 end?

1 SEMENOVA

2 A. "Loan issued."

3 Q. To whom?

4 A. To Ambika.

5 Q. Did you record anything about a  
6 loan issued to Mr. Leontiev in connection  
7 with the loan to Ambika?

8 A. No, I do not recall.

9 Q. Why did Avilon make this loan to  
10 Ambika in 2011?

11 MR. SMITH: Objection to form.

12 A. I do not know.

13 Q. Who decided that Avilon would  
14 loan this money to Ambika in 2011?

15 A. Alexander Varshavsky.

16 Q. What did you know about Ambika  
17 in 2011?

18 A. I knew that, on behalf of this  
19 company, representatives from  
20 Probusinessbank -- the representatives  
21 from Probusinessbank were representing  
22 this company. And later on, they were  
23 also the representatives from the Group  
24 Life.

25 Q. Who in particular are you



1 SEMENOVA

2 MR. SMITH: Objection to form.

3 A. Because here, we have the bank  
4 account information for the European  
5 Realty Corporation.

6 Q. And in the loan agreement, it  
7 has bank account information for TO Jets;  
8 right?

9 A. Yes.

10 Q. Why was money being paid to  
11 European Realty and not TO Jets?

12 MR. SMITH: Objection to form.  
13 Lack of foundation.

14 A. I do not know.

15 Q. What is the current status of  
16 the loan to TO Jets?

17 A. It's on the balance. It's owed.

18 Q. Is the full amount still  
19 outstanding?

20 A. Yes, the whole amount.

21 Q. This loan is for \$6.625 million.  
22 Is this the money that was used  
23 to fund the loan that Avilon made to  
24 Ambika?

25 A. Yes.

1 SEMENOVA

2 Q. Why did Avilon borrow the  
3 \$6.625 million from TO Jets to lend it to  
4 Ambika?

5 MR. SMITH: Objection to form.

6 A. I do not know.

7 Q. Do you know if TO Jets is still  
8 in business today?

9 A. I cannot tell.

10 Q. Have any payments been made to  
11 TO Jets pursuant to this loan agreement?

12 A. No.

13 Q. How is this loan recorded on  
14 Avilon's books?

15 A. "Loan received."

16 Q. From whom?

17 A. From TO Jets.

18 Q. Do you recall that Avilon got a  
19 guarantee from Probusinessbank for the  
20 2011 loan to Ambika?

21 A. Yes.

22 Q. Were you involved in obtaining  
23 that guarantee from Probusinessbank?

24 A. I do not remember.

25 Q. Why did Avilon get a guarantee

1 SEMENOVA

2 from Probusinessbank for the loan to  
3 Ambika?

4 A. Like I said, this is the regular  
5 practice for ensuring and guaranteeing the  
6 loans.

7 Q. Did Avilon try to get a personal  
8 guarantee from Mr. Leontiev for the loan  
9 to Ambika?

10 A. I do not know.

11 Q. Do you recall, we saw in  
12 Amendment No. 6 to the 2011 loan, that it  
13 was combined with the principal from the  
14 2008 loan?

15 A. Yes.

16 Q. Have you ever seen a signed  
17 guarantee for the combined increased  
18 amount of the 2011 loan?

19 A. I do not recall.

20 Q. I'd like to show you what's  
21 previously been marked as Exhibit 15.  
22 It's an agreement between Avilon and  
23 Ambika dated December 9, 2014.

24 MR. SMITH: Just before we leave  
25 Exhibit 14, I wanted to note for the

1 SEMENOVA

2 form.

3 A. I do not know.

4 Q. Are you aware that the Avagumyan  
5 family invested money with Financial Group  
6 "Life"?

7 A. No.

8 Q. Do you know what Vennop is?

9 A. No.

10 Q. Do you know Igor Renich?

11 A. No.

12 Q. Do you know Diana Karapetyan?

13 A. No.

14 Q. Did Avilon file a claim in the  
15 Probusinessbank bankruptcy?

16 THE INTERPRETER: I'm not sure  
17 exactly what you mean, so I don't know  
18 how to translate this. In bankruptcy,  
19 it can be, like, translated in  
20 different ways. So maybe you can  
21 rephrase it so I can translate it  
22 exactly.

23 MR. TOMPKINS: Is there a  
24 particular phrase -- is there a  
25 particular phrase you would suggest to

CERTIFICATION

I, SHARON LENGEL, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of December, 2016.



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SHARON LENGEL

\* \* \*